Reg. No. KL/TV/12

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1978

KERALA GAZETTE
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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 5079-LA4A/78. *Dated, Trivandrum, 22nd June, 1978.*

The Kerala Chitties (Amendment) Bill, 1978 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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33/2054/MC.

Fifth Kerala Legislative Assembly
Bill No. 69

THE KERALA CHITTIES (AMENDMENT) BILL, 1978

A

BILL

to amend the Kerala Chitties Act, 1975.

Preamble.—WHEREAS it is expedient to amend the Kerala Chitties Act, 1975, for the purpose hereinafter appearing;

BE it enacted in the Twenty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Chitties (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 3rd day of May, 1978.

2. *Insertion of new section 70A.*—In the Kerala Chitties Act, 1975 (23 of 1975) (hereinafter referred to as the principal Act), after section 70, the following section shall be inserted, namely:—

"70A. *Power to exempt.*—The Government may, by notification in the Gazette and for reasons to be specified in such notification, exempt any company owned by the Government of Kerala from all or any of the provisions of this Act.".

3. *Repeal and saving.*—(1) The Kerala Chitties (Amendment) Ordinance, 1978 (13 of 1978), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Section 11 of the Kerala Chitties Act *inter alia* provides that the subscribers of a chitty may by a special resolution, alter or add to the articles in the Variola in respect of the time at which or the place where the chitty is to be conducted. According to clause (11) of section 2 of the Act a special resolution has to be passed at a special meeting convened for the purpose by the general body of

subscribers by a majority of not less than two-thirds of the subscribers present at the meeting in person or by proxy, such majority being also of subscribers representing not less than three fourths in value of the amount subscribed by the general body of non-prized and unpaid prized subscribers, if any.

2. The Kerala Financial Enterprises Limited, which is a Government owned company represented to the Government that in the major branches of the company there will be nearly 10,000 subscribers that it will not be practicable to pass special resolutions with such large number of subscribers and that it has not been able to shift the branches to places more convenient to the public on account of the above difficulty. The Company therefore requested the Government to exempt them from the requirement of passing a special resolution for the shifting of its branches. The Company also requested the Government to exempt it from certain other provisions of the Act.

3. It was felt that the difficulties pointed out by the Kerala Financial Enterprises Ltd., are genuine and that a provision should be incorporated in the Act to enable the Government to exempt it from such of the provisions of the Act which are difficult of implementation, or unnecessary, in the case of a Government owned company.

4. As the proposal had to be given effect to immediately and as the Legislative Assembly was not in session, the Kerala Chitties (Amendment) Ordinance, 1978 (13 of 1978), was promulgated by the Governor on the 28th day of April, 1978. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 70A proposed to be inserted in the Kerala Chitties Act, 1975, by clause 2 of the Bill empowers the Government to exempt, by notification in the Gazette and for reasons to be specified therein, any company owned by the Government of Kerala from all or any of the provisions of the Act. This is a matter of administrative nature and therefore the delegation of legislative power is of a normal character

M. K. HEMACHANDRAN.

Government of Kerala
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GOVERNMENT OF KERALA

Labour and Housing (E) Department

NOTIFICATIONS

No. 1013/78/L&H. *Dated, Trivandrum, 19th June, 1978.*

I

S.R.O. No. 588/78.—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the Government of Kerala hereby appoint the Assistant Labour Officers, Grade II, Kozhikode (North), Taliparamba, Cannanore (Town) and Cannanore (Rural) to be the Inspectors for the purpose of the said Act having jurisdiction over the Taluks of Kasargod and Hosdurg also for a period of three months from the date of publication of this notification.

II

S.R.O. No. 589/78.—In exercise of the powers conferred by sub-section (1) of section 6 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Central Act 32 of 1966), the Government of Kerala hereby appoint the Assistant Labour Officers, Grade II, Kozhikode (North), Taliparamba, Cannanore (Town) and Cannanore (Rural) to be the Inspectors for the purpose of the said Act having jurisdiction over the Taluks of Kasargod and Hosdurg also for a period of three months from the date of publication of this notification.

33/2039/MC.

S.R.O. No. 590/78.—In exercise of the powers conferred by section 25 of the Kerala Shops and Commercial Establishments Act, 1960 (34 of 1960), the Government of Kerala hereby appoint the Assistant Labour Officers, Grade II, Kozhikode (North), Taliparamba, Cannanore (Town) and Cannanore (Rural) to be the Inspectors for the purpose of the said Act having jurisdiction over the Taluks of Kasargod and Hosdurg also for a period of three months from the date of publication of this notification.

By order of the Governor,

J. S. BADHAN,

Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

In order to launch an intensive campaign to gear up the enforcement of Minimum Wages Act, 1948, Beedi and Cigar Workers (Conditions of Employment) Act, 1966 and Kerala Shops and Commercial Establishments Act, 1960 in Kasargod and Hosdurg Taluks, the services of certain additional Inspectors are felt necessary.

This notification is intended to achieve the above object.

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